

REMARKS

Claims 107-117 are pending. Independent claims 107, 111, and 115 have been amended. The following remarks address the Examiner's rejection of the pending independent claims. Each of dependent claims 108-110, 112-114 and 116-117 is allowable for the same reasons that amended independent claims 107, 111 and 115 are allowable.

35 USC §103 – Johnson in view of Kemp

Claims 107, 108, 111, 112, 115 and 116 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Kemp. The rejection relies on the premise that Kemp is analogous art and thus combinable with Johnson under § 103. Although analogous teaching is required before references may be combined under § 103, analogous teaching does not by itself make a *prima facie* case of obviousness.

The combination of references under § 103 requires at least an implicit suggestion in the primary reference that it would be desirable to combine the teaching of the secondary reference. MPEP 2143.01, I. Without such a suggestion, obviousness cannot be inferred. MPEP 2143.01, III. Moreover, some combinations render the primary reference unsatisfactory for its intended purpose. Such combinations also fail to show obviousness. MPEP 2143.01, V.

Johnson does not suggest the use of Kemp's screen-end member in a screen track. An object of Johnson is to provide a door where "the screen . . . is clamped into position to insure a stretched and tight fit in the positioning frame." Col. 1, ll. 36-39. The clamping function, which is performed by locking means 108, 110, is intended "to insure a tight relationship of the screen 36 when it is pulled from the roll 30 into position." Col. 3, ll. 37-38. In conjunction with the clamping means 108, 110, a "resilient backing means, such as foam rubber pressure pad 115 is

secured to parts of the door frame 12 where the edges of the screen are received in the covers 112 and 114 to aid in engaging the screen by the rods 108 and 110.” Col. 3, ll. 54-57. Thus, Johnson requires a free end of screen throughout the screen track to engage rods 108 and 110. Johnson does not suggest that it would be desirable to add Kemp’s screen-end member, which extends into the screen track.

Moreover, the door of Johnson would not operate as intended if combined with the screen-end member of Kemp. Combining Kemp’s cross bar 138 and tracks 30 with Johnson would render Johnson’s rods 108 and 110 unsatisfactory for clamping screen 36. Cross bar 138 of Kemp “is shown as being formed from a single strip of metal reversely bent upon itself along its longitudinal centerline to bring opposite sides into spaced parallel relation to form a screen receiving channel.” Col. 8, ll. 28-32. If Kemp’s metal cross bar 138 were added to the screen of Johnson and extended into the screen tracks, then cross bar 38 would obstruct the engagement of the screen by Johnson’s rods 108 and 110. Johnson’s rods 108 and 110 would no longer ensure a stretched and tight fit and thus the purpose of rods 108, 110 would be defeated.

35 USC §103 – Johnson in view of Kemp and further in view of Ralph et al.

Claims 109, 110, 113, 114 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Kemp as applied above and further in view of Ralph et al. Because of the lack of any motivation to combine the cross bar 138 of Kemp with Johnson as detailed above, the combination of Ralph et al. and Kemp with Johnson is not obvious either.

Moreover, the independent claims 107, 111, and 115 have each been amended to recite respectively that the claimed insert has a weight that “opposes the retracting force” of the

screen,” a weight that “opposes the retraction of the screen,” and a weight that “offsets the bias of the roll of screen,” further differentiating the claimed structure from Kemp.

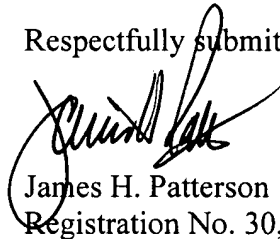
Double Patenting

Claims 107, 109-111, 113-115 and 117 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14, 15 and 17 of U.S. Patent No. 6,618,998. Claims 108, 112 and 116 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14, 15 and 17 of U.S. Patent No. 6,618,998 in view of Johnson. To advance prosecution, a terminal disclaimer is submitted with this response.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



James H. Patterson  
Registration No. 30,673

Customer No. 24113  
Patterson, Thunte, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5741